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U.S. DISTRICT COURT E.D.N.Y.
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ABHILASHA MASIH and TRACEY
KIPP,

Plaintiffs,

-against-

MENTAL HEALTH ASSOCIATION OF
NASSAU COUNTY, and McANTHONY
CHERY, in his individual and professional
capacities,

Defendants.
-----X

APPEARANCES:

BORRELLI & ASSOCIATES PLLC
BY: Michael J. Borrelli, Esq.
Alexander T. Coleman, Esq.
Louis Moshe Leon, Esq.
Attorneys for Plaintiff Abilasha Masih
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TRACY KIPP, PRO SE

MIRANDA SAMBURSKY SLONE SKLARIN VERVENIOTIS LLP
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Maurizio Savoiaro, Esq.
Michael Feinstein, Esq.
Attorneys for Defendants
240 Mineola Boulevard
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LONG ISLAND OFFICE

MEMORANDUM AND ORDER

CV 15-1199

(Wexler, J.)

WEXLER, District Judge:

Plaintiffs Abilasha Masih and Tracey Kipp commenced this action on March 9, 2015 against Defendants Mental Health Association of Nassau County and McAnthony Chery, alleging gender and national origin discrimination, harassment and retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended, and the New York State Human Rights Law § 290 et seq. Although both Plaintiffs were initially represented by counsel, Plaintiffs' counsel moved to withdraw its representation of Plaintiff Kipp on July 21, 2016 due to counsel's inability to contact or communicate with Plaintiff Kipp. Magistrate Judge Shields granted Plaintiffs' counsel's application to withdraw on July 22, 2016 and afforded Plaintiff Kipp until August 25, 2016 to secure new counsel or to inform the Court whether she intended to proceed pro se. By that same Order, Plaintiff Kipp was advised that the failure to contact the Court by August 25, 2016 could result in a recommendation of dismissal for failure to prosecute.

Plaintiff Kipp failed to communicate with the Court as directed. By Order dated September 13, 2016, Magistrate Judge Shields again directed Plaintiff Kipp to advise the Court whether she had retained new counsel or was electing to proceed pro se, this time by September 29, 2016. Again, Plaintiff Kipp failed to communicate in any way with the Court.

By Report and Recommendation dated October 19, 2016, Magistrate Judge Shields recommended that Plaintiff Kipp's claims be dismissed for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b). The Report and Recommendation advised Plaintiff Kipp that any written objections were to be filed with the Court within fourteen (14) days of service of the Report. The Report and Recommendation was dated and docketed on the Court's electronic filing system on October 19, 2016.

In addition, the Report and Recommendation directed Defendants to serve a copy of the Report on Plaintiff Kipp by overnight mail and first-class mail at her last-known address(es) and to file proof of service on ECF. Defendants complied with the Court's instructions and filed an Affidavit of Service on October 20, 2016. To date, no objections to the Report and Recommendation have been received.

Accordingly, the time to file objections to the recommendation of Magistrate Judge Shields having passed without receipt of any objections thereto, the Report and Recommendation is hereby adopted and Plaintiff Kipp's claims are dismissed, with prejudice, for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).

Defendants' counsel is directed to serve a copy of this Memorandum and Order on Plaintiff Kipp at her last known address(es) and to file proof of service with the Court.

SO ORDERED:

Dated: Central Islip, New York
November 29, 2016

_____/s/_____
LEONARD D. WEXLER
United States District Judge